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Senate

Statement of Senator Dianne Feinstein

Mayor Williams' Voucher Program Deserves a Chance to Succeed

Mrs. FEINSTEIN. Mr. President, I thank the manager of the bill, my colleague from Ohio. I appreciate his sentiments. Once in a while, by something we do, we can make a tangible and immediate difference in the lives of others. This is one such instance. In this case, what I hope to do is send an amendment to the desk, have Senator DeWine's second degree, and then I would like to speak to the underpinnings of this scholarship program, which some people call a voucher program, and my rationale as to why I think this Mayor's request to try a pilot small voucher program in the District of Columbia should be granted. I begin by sending the amendment to the desk.

Mr. President, I have been in public office for 30 years. I have always supported schools. I supported every charter amendment, and every bond issue to be helpful to schools. I have supported every vote to increase dollars to schools. I voted to support charter schools, magnet schools, alternative schools. I have campaigned for increasing Title I moneys that go to schools that teach poor children to try to correct the formula so the money goes where the child goes.

As a Mayor for 9 years, 3 of those years I bailed out the school district with \$3 million a year so that teacher salary increases could be paid during those years. I have traveled to many

cities to see what innovative public education programs have been put into play. I have never before supported a voucher program. I do so now with a great commitment to see if this program can succeed. I do so now because those of us who believe strongly in public education -- and that is 100 Members of the Senate -- have perhaps been too concerned with the structure of education, the rhetoric of education, and not concerned enough about what actually works on the streets and in the neighborhoods and communities of America.

This was brought to my attention 3 years ago when the Mayor of Oakland, Jerry Brown, called me and said: My schools have deep troubles. There are so many failing youngsters. I want to try something new. I would like to try a military school, all voluntary, aimed to be geared for excellence, college preparatory. I want to have the poorest of the poor admitted to this school. I thought about it for a while. He said: I have been turned down by the local board of education. But that is not going to stop me. He went to the State and got a special charter from the State. He came back here and convinced Jerry Lewis in the House, me in the Senate, to put some money in a bill to allow him to begin.

I spoke to Jerry Brown this

morning. I said: Jerry, I want to give the Senate a brief progress report. How is it going in your military school? He said: We have our startup problems, but we are doing pretty well. We have 350 youngsters. Some drop out. We have discipline. We have uniforms. We have the National Guard participating. These youngsters, 3 years later, are testing to the equivalent of the second best middle school in Oakland. So it was a new model. It was refused by the educational establishment. But it is working for some youngsters.

When I went to public school in San Francisco, there were 350 students in the school. The class sizes were under 20. There were no other languages other than English spoken. That is certainly not the case for the most part in public education today. It has changed dramatically. Schools have student populations in the hundreds. Classes are way up in numbers. Language has run up to 40 different languages in a school. The economic and social disparity of this great diverse society makes teaching in the elementary school grades much more difficult.

I have come to believe that if I can make a difference to work for new models in education, I am going to do it. Education is primarily a local institution. Policy is set by local leaders. The Federal Government

provides maybe 7 percent of educational dollars and most of those through Title I of the Elementary and Secondary Education Act.

I strongly believe that Mayors should have an input. This Mayor has asked for dollars not to be taken from public schools but new dollars: new dollars to be put in public schools, \$13 million; new dollars to be put in chartered schools, \$13 million; and new dollars to try a scholarship program to try something different. What he has seen in the District of Columbia is too much failure.

Despite the fact that each youngster receives \$10,852 a year -- the third highest in the United States, -- despite the fact that of the amount of money that comes into education, test scores are dismal. Of fourth graders in the District of Columbia schools, only 10 percent read proficiently. Of eighth graders, only 12 percent read proficiently. Think about what that means. If you are in the eighth grade and you can't read, what good is high school? You can't read to learn. Reading is a predicate to learning, just as discipline is a predicate to learning. So these youngsters become doomed. This is not my assessment. This was a national assessment that was done in March of 2000. Of eighth graders, 77 percent are below the grade level in math. Twelve percent are proficient in reading.

I am supporting this because the Mayor wants it. I am supporting it because it is not a precedent. It is a pilot. It is 5 years. The voucher is adequate. It is \$7,500. There are 9,049 students in the District of Columbia in failing schools. This would cover 2,000 of those youngsters; 2,000 of those youngsters would have an opportunity to have some choice in where they go to school. Would they go to a religious school or a secular school? That is up to the parent; it depends on the cost. Some families would be able to put in some additional funds, if the private

school tuition is above \$7,500. But I know for a fact there are plenty of schools where the tuition is below the \$7,500.

As I said in the committee, I helped a youngster go to one of these parochial schools in the District. The tuition is \$3,800 a year. I have watched her blossom. I have watched the discipline work for her. I have watched the small classes work for her. I have watched the additional time the teacher spends with her work. I see her reading way above grade now. I see her proud of her uniform that she wears, so there is no competition for clothes.

It is just one model. The key thing that comes through to me, as somebody who listens to average people perhaps more than I do the policy wonks when it comes to education, is different models work for different children. We all know with our own children, what works for one child doesn't necessarily work for another.

Therefore, what public education needs to do is stop worrying about structures and bureaucracies and bigness and worry about what is not working for these children. What do we do to provide a different environment? Do we divide up our campuses in a number of smaller schools? Do we build schools in office buildings -- small schools, maybe with a hundred youngsters -- so children can be closer to their families? What do we do? What new models do we look at?

All this Mayor is saying is these are failing schools. Why should the poor child not have the same access as the wealthy child does? That is all he is asking for. He is saying let's try it for 5 years, and then let's compare progress and let's see if this model can work for these District youngsters.

Interestingly enough, I am looking at the list of failing schools, and I see four are elementary, four are middle/junior high; and then it

jumps to eight for senior high. What is the lesson in that one statistic? The lesson in that one statistic is if you have four elementary schools failing, you are going to add to that in high school; you are going to have more high schools failing and more difficulty in high school. Mr. President, I ask unanimous consent that this chart be printed in the Record.

Mr. President, the Mayor has asked for a 5-year pilot. He said it would be for the less affluent. They are defined by families of 4 at 185 percent of poverty. This is a family of 4 that earns \$34,000 a year, or below, and these children would be given priority by lottery to have an opportunity to go to another school. It is like a golden key. It gives them an opportunity to try something else. It is voluntary. Nobody is forced to do it. Why is everybody so threatened by it? No one is forced to do it. If a family wants to try it, this provides them with that opportunity.

Again, these are schools identified for improvement, corrective action, or restructuring. That is the language from the bill. And priority is given to students and families who lack financial resources to take advantage of educational opportunities. That is the language in the bill. So for \$7,500 a child, 2,000 youngsters will have an opportunity to try this, to see if it makes a difference. It might offer some smaller classes, or uniforms; it might offer more attention; it might offer an easier learning environment; it may offer better discipline. Certainly, there will be some curriculum changes. There will certainly be more emphasis on reading, writing, and arithmetic -- the basics, if you will.

Now we have in the Appropriations Committee, thanks to the accommodation of Senator DeWine and Senator Judd Gregg, made several changes in the original bill. It was brought to my attention to take a look at the Zelman Supreme Court case. Senator Voinovich

mentioned that to us. I believe he was Governor of Ohio when Cleveland put forward this program, and it went up to the Supreme Court in a case called *Zelman v. Simmons-Harris*.

So we took that case and this bill and we tried to bring them together so that we added religion to the general nondiscrimination clause, which also covers race, color, national origin, and sex, and extend the nondiscrimination clause to both schools and the entity operating the voucher program. We added language clarifying that the bill does not override title VII to ensure that we don't change title VII's provisions permitting religious discrimination under certain circumstances.

We deleted certain other language which we thought might impact the establishment clause. We increased the role of the Mayor to make the Mayor responsible for the details and functioning and accountability of this program, and to ensure the proper use of public funds by the schools participating in this voucher program.

The amendment I have sent to the desk is an additional strengthening of the testing and evaluation components of the bill to try to ensure that scholarship students are taught by quality teachers. Essentially what this bill says is every teacher in a school to which a voucher child might go would at least have a college education. Additionally, we have changed the testing requirements.

I have had a conversation with Cardinal McCarrick. Since about one-third of the private schools in the Districts are Catholic schools, I talked to the Cardinal about the advisability of having the same tests given to a student on a voucher in a parochial, or secular school, as would be given to a student in the public school. He agreed that would be a very significant thing to do. I would like to read into the Record a portion of the letter from Cardinal McCarrick:

"...I want to assure you that we are not only open to being accountable for any public funds which the families of our students receive, but anxious to be able to prove the value of our education. This would mean being willing to administer the same set of examinations that are given in the public school system.

"I was happy to be able to tell you that in the District of Columbia 47% of our students are non-Catholic" -- Forty-seven percent of the students in the DC Catholic schools are non-Catholic -- "and in the heavily impacted inner city areas it goes up to 67% or higher.

"My great predecessor, Cardinal Hickey, used to say that we don't educate them because they are Catholic, but because we are Catholic and we accept this as a responsibility for being good neighbors and committed to serving the community."

I ask unanimous consent that the full text of the letter be printed in the Record.

We have a provision in this bill that a scholarship recipient would essentially be tested against a control group with the same test given in the public school setting as in the private school setting. The first component of my amendment requires that the managing entity that will run the voucher program give voucher students -- not every student in private school -- the same assessments they took in public schools. It also requires that the Secretary of Education, in conjunction with the Mayor, appoint an independent evaluator to study all aspects of the voucher program, with a strong focus on the academic progress of the students in the program.

The independent evaluator, which could be a think tank, could be an independent entity, will be required to evaluate the test scores of voucher students over the 5-year period, as well as the scores of a

randomly selected group of comparable students who applied for vouchers but did not get them. The test scores of the control group for which no voucher is available will be studied and measured against the scores of the voucher students. The evaluator will be required to report back to the Congress every year on the progress, for the duration of the 5-year pilot. This amendment also requires that the test scores of both recipients and the student control group, as I said, would be studied, obviously, against one another.

I think we have a very practical, very doable trial proposal. I know on this side of the aisle there are a lot of objections to it, and I must say I am deeply puzzled by them because I do not understand what the fear is. Traditionally, the argument against vouchers always has been it takes money away from the public school. This does not. It adds money to the public school.

Another argument always has been, how do we really know the students will do better? We have the testing and evaluation component in place. Finally, the program is restricted to those most in need. These will be the poorest families in DC who will participate. They will all be families of four, earning under \$34,000 a year.

So for 5 years, a child who is not making it, whose parent may be at wit's end, will have an opportunity to say, aha, I might be able to get one of those vouchers. Let's see if John, Sam, Gloria, or Betty can make it in another setting. In other words, let's try another model for our child.

Affluent people do this all the time. Affluent people have that opportunity. If their child does not do well in one setting, they can place their child in another setting. Why shouldn't the poor person have that same opportunity? This is the weight of our argument. This is the candor of our argument. I hope this is the caring point of our argument,

because if this passes, 2,000 children will be able to take that pilot and 5 years from now we will know a lot more than we know today.

I have gotten a lot of flak because I am supporting it. And guess what. I do not care. I have finally reached the stage in my career, I do not care. I am going to do what I sincerely believe is right. I have spent the time. I have gone to the schools, I have seen what works, I have seen what does not work. Believe it or not, I have always been sort of a political figure for the streets as opposed to the policy wonks. I know different things work on the streets that often do not work on the bookshelves. So we will see.

It is kind of interesting. I have a member of my own staff who I do not think was very much in favor of me trying this, but at one point she came up to me and said: I must tell you something. I grew up in Anacostia. My parents could afford to send me to a Catholic school, and I went to that school. I saw so many of my peers get into such trouble and it conditioned the whole remainder of their life. Now today, she is a distinguished attorney with a solid career and a solid job.

My concern in education has always been K-6. It has always been teaching the basic fundamentals to kids so they could go on and learn, because if they do not have the basic fundamentals, it is so humiliating.

As mayor, I used to go out to Bayview Hunter's Point every Monday. I spent the afternoon with children. I talked to children. It took me 6 months to get them to look me in the eye, to be able to pronounce their names, to be able to talk directly to another human being. It took the time, the energy, and the effort. Through no fault of their own, in many cases our public institutions are so overburdened, with so many different issues, that it is difficult to provide everything for every child. Obviously, some children need more than they are getting.

I hope there will be others on my side of the aisle who will give this program a chance. I believe it will meet the test of constitutionality. I believe it is a bona fide pilot. I intend to stay with it and see what happens and see that the evaluation and the testing is adequate and carried out correctly and see what we learn for the future for our children.

Once again, I thank Senator DeWine for his courtesy in working with me. He really has been terrific and I appreciate it very much. I yield the floor.